

DETAILED ACTION

On April 17 and 24, the Examiner had a telephonic interview with the Applicant. The Examiner informed the Applicant of updated 101 training. The Examiner is sending out another non-final to address the 101 issues with the claims.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-3, 5-16, and 18-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-3, 5-6, and 18-19 are directed towards a system. Since the claims are directed to a system without including another statutory class of invention (i.e. machine, manufacture, or composition of matter), and are non-statutory. The claims contain the use of "modules". Modules do not fall under any of the statutory classes. The system claims also do not claim hardware.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-16, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminsky (2002/0082967) in view of Lutnick (6,850,907).

Kaminsky discloses the invention substantially as claimed; however, Kaminsky does not disclose a price discovery module that enables individual trades to be executed based on one of a best RFQ response and an improvement to a best RFQ response, wherein the system makes at least one dealer response available to the second user and allows the second user to improve the best RFQ response to execute the trade based thereon as a principal. Lutnick teaches a method and corresponding system for automated price improvement of trades between parties comprising a price discovery module that enables individual trades to be executed, wherein the system makes at least one response available to the second user and allows the second user to improve response to execute the trade based thereon (col.7, line 50 to col.8, line 37 and col.16, line 40 to col.18, line 48). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Lutnick within Kaminsky for the motivation of providing for the optimal trade to take place.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 5-16, 18-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lalita M Hamilton/
Primary Examiner, Art Unit 3691